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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,043

04/23/2007

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RN03130G1

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01/14/2009

EXAMINER

SIMMONS WILLIS, TRACEY A

ART UNIT

PAPER NUMBER

1619

MAIL DATE

DELIVERY MODE

01/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,043	Applicant(s) MORVAN ET AL.	
	Examiner TRACEY SIMMONS WILLIS	Art Unit 1619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) 14-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

Applicant's election without traverse of Group II including claims 22-26 in the reply filed on December 29, 2008 is acknowledged.

Claims 14-26 are pending in the current application, of which claims 22-26 are being considered on their merits. Claims 14-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected product, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 29, 2008.

This is the first Office Action on the merits of the claims.

Priority

The instant application is a national stage entry of PCT/FR04/02462 filed on September 29, 2004 which claims benefit of U.S. Provisional Application Nos. 60/506,788 and 60/506,817 both filed on September 29, 2003. The earliest effective U.S. filing date of the instantly claimed invention is determined to be September 29, 2004, the date of the instant application. The provisional applications are in French, so Examiner cannot verify the content. The claim for benefit of the filing date of the provisional application is therefore denied. A letter was mailed to Applicant on November 25, 2003, which indicated that an English translation of the provisional (60/506,788), and a statement that the translation is accurate, must be filed in either the provisional application or each non-provisional application claiming the filing date of the provisional application under 35 U.S.C. 119 (e). Response to that letter was not received. *Examiner notes that no letter was issued to Applicant with regard to 60/506,817.* If Applicants wish to claim the benefit of the filing dates of the provisional applications, the English

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translations, statements that the translations are accurate, a petition to accept the translations and benefit claims, and the petition fee must be submitted. If the petition is not filed and the claim for benefit of the filing date of the provisional applications is not removed, the instant application will be **ABANDONED**. See 37 CFR 1.78 (a)(5)(iv).

Claim Objections

Claim 22 is objected to because of the following informalities: The claim does not conclude with a period. Appropriate correction is required.

Claim 26 is objected to because of the following informalities: “in the dyeing” should read “**in dyeing**” and “cosition” should read “**composition**”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 22-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 as written incorporates a withdrawn claim (claim 14). Examiner suggests incorporation of the limitations of claim 14 into claim 22. In the interest of compact prosecution, claim 17 is interpreted as incorporating all of the limitations of claim 14. Claim 26 suffers a similar deficiency relative to withdrawn claims 14, 18, and 19.

Because claims 23-25 depend from indefinite claim 22 and do not clarify the point of confusion, they must also be rejected under 35 U.S.C. 112, second paragraph.

Claim 22 as written is also rendered as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary

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structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the claim does not require the application and optional rinsing to be carried out on the surface. The relationship between the steps and the preamble is not clear.

Claim 23 recites the limitation “(a), (b), (c),...(e)” in claim 22. There is insufficient antecedent basis for this limitation in the claim. Please see the rejection of claim 22 above.

Claim 23 is in improper Markush form; a Markush group should be in the form "a compound selected from the group consisting of (a), (b),(c),.. **and** (e)". Currently, it is not clear which species are included in the Markush group and which are not.

Claim Rejections - 35 USC § 102

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Claims 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,658,574 (Bahary et al).

This rejection is based on the embodiment that includes only a polycationic water-soluble or water-dispersible dendritic polymer and an anionic surfactant.

Bahary disclose mild personal cleansing compositions comprising a cationic dendrimer (polyamido amines, [col 3, line 17]) and an anionic surfactant [col 2, lines 32-36]. The composition also includes water [col 16, line 19]. The composition is used to cleanse the skin (hard surface) by washing [col 3, line 3] and can be in the form of a shower gel [col 2, line 67].

Conclusion

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No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRACEY SIMMONS WILLIS whose telephone number is (571)270-5861. The examiner can normally be reached on Mondays to Fridays from 8:30 am to 5:30 pm. The examiner can also be reached on alternate Fridays from 8:30 am to 12:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached at (571)272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/T. S.W./

/Lora E Barnhart/
Primary Examiner, Art Unit 1651